

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOSEPH GALLAGHER, individually and on
behalf of all other persons similarly situated,

Plaintiff,

-against-

PEPE AUTO GROUP, MERCEDES BENZ
OF NEW ROCHELLE, JOSEPH PEPE,
individually, GENE PEPE, individually,
ROBERT PEPE, individually, and
SALVATORE PEPE, individually,

Defendants.
-----X

Civ. No.: 7:18-cv-03433-VB

NOTICE OF MOTION

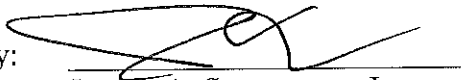
PLEASE TAKE NOTICE that, upon the Affirmation of Jonathan M. Kozak dated July 11, 2018, and the exhibits annexed thereto, the accompanying Memorandum of Law and all prior pleadings and proceedings in this action, the undersigned will move this Court, before the Honorable Vincent L. Briccetti, United States District Judge, in the United States District Court for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601, on a date and time to be determined by the Court, for an order Dismissing Plaintiff's First Amended Complaint with prejudice pursuant to Rules 12(b)(6) and 12(b)(1) of the Federal Rules of Civil Procedure or, in the alternative, for an order to Stay Judicial Proceedings and Compel Arbitration pursuant to the Federal Arbitration Act, 9 U.S.C. § 1, et seq., and for such other further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to the Local Rules of this Court, Plaintiff's Opposition papers, if any, must be served on Defendants within fourteen (14)

days after service of Defendants' moving papers. Defendants' reply to Plaintiff's Opposition will be served within seven (7) days of Plaintiff's service of his Opposition papers.

Respectfully submitted,

JACKSON LEWIS P.C.
44 South Broadway, 14th Floor
White Plains, New York 10601
(914) 872-8060

By: 
Joseph A. Saccomano, Jr.
Jonathan M. Kozak

Attorneys for Defendants

Dated: July 11, 2018
White Plains, New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOSEPH GALLAGHER, individually and on
behalf of all other persons similarly situated,

Plaintiff,

-against-

PEPE AUTO GROUP, MERCEDES BENZ
OF NEW ROCHELLE, JOSEPH PEPE,
individually, GENE PEPE, individually,
ROBERT PEPE, individually, and
SALVATORE PEPE, individually,

Defendants.
-----X

Civ. No.: 7:18-cv-03433-VB

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Motion has been served via ECF and U.S. Mail on this 11th day of July, 2018, on counsel for Plaintiff at the address set forth below:

Seth L. Dobbs
Aboyoun, Heller & Dobbs, L.L.C.
77 Bloomfield Avenue (Route 46 West)
Pine Brook, New Jersey 07058
Attorneys for Plaintiff


Jonathan M. Kozak